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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,608	02/08/2006	Carsten Bardchlc	SCH-16475	1318

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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/567,608	Applicant(s) BARDEHLE, CARSTEN	
	Examiner Trevor McGraw	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Objection to Drawings

Examiner withdraws the objection held against the drawings in view of Applicant's amendment to the Specification indicating that line 2-2 of Figure 2 is an end view line in Figure 1.

Rejection under 35 USC § 112

Examiner withdraws the rejection held against Claim 1 in view of Applicant's amendment that deletes the limitation "jet axis" and replaces the limitation with "axis of rotation" to keep in accordance with the terminology used in the Specification.

Response to Arguments

Rejection under 35 USC § 102

Applicant's arguments filed 09/28/2006 have been fully considered but they are not persuasive. Claims 1-3 and 5 were rejected as being anticipated by Long (US 4,903,364). Applicant's amendment does not overcome the rejection held under 35 U.S.C. § 102 (b) as Examiner points out to Applicant that Long teaches a misting nozzle system that generates a mist jet directed parallel to an axis of rotation and has an ejector that is fed with highly pressurized water that runs parallel to an axis of rotation where the nozzle system is enclosed by a casing tube that is open at a terminal end during use and is concentric with the axis of rotation. Applicant appears to try to amend around the current art rejection but does not amend the Claims in such a way to

overcome the rejection held under 35 U.S.C. § 102 (b). For at least these reasons stated above, Examiner is maintaining the art rejection applied to the amended Claims 1-3 and 5 and new Claim 10 in view of long. Applicant's arguments are persuasive in regard to Claim 4 thus, Examiner withdraws rejection applied to Claim 4. However, a new grounds of rejection will be applied to Claim 4 under 35 U.S.C. § 103 (a).

Rejection under 35 USC § 103

Applicant's arguments filed 09/28/2006 have been fully considered but they are not persuasive. Examiner for the same reasoning as discussed above maintains the rejection held under 35 U.S.C. § 103 (a). The present invention would work equally as well if the direction of rotation was clockwise or counterclockwise and does not appear to solve any stated problem brought forth by the Applicant. As a result, Examiner maintains the rejection held under 35 U.S.C. § 103 (a) against Claim 2.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 4 of claim 6, applicant recites "jet axis (7)" which is not disclosed in the specification. Appropriate correction is required.

Claim 6 recites the limitation "jet axis" in line 4 of Claim 6. There is insufficient antecedent basis for this limitation in the claim.

In line 2 of Claim 9, Applicant uses the terminology "is/are". It is unclear to the Examiner what Applicant means when using the terminology "is/are". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Long (US Patent 4,903,364).

In regard to claims 1-3 and 5, in the same sense that the applicant's nozzle system generates a mist jet directed parallel to a jet axis from an ejector that is fed with high pressure water where the water jet from the ejector runs parallel to the jet axis and which rotates about an axis where the nozzle system is enclosed by a casing tube that is open on both ends concentric with the jet axis, Long (4,903,364) teaches a nozzle system (10) that generates a mist jet directed parallel to a jet axis (Figure 5) and comprises at least one ejector (44) mounted spaced apart on the circumferential path of the ejector (Figure 1 and 2) and is fed with high pressure water and generates a water jet (Figure 5 and 7) running parallel to a jet axis and which also rotates about the jet axis where the nozzle system is enclosed by a casing tube (12) that is open on both ends and is concentric with the jet axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (US 4,903,364).

In regard to claim two and 6-9, Long as described above further teaches a nozzle system ejector system that has ejectors (44) that are slightly tilted relative to a circumferential direction of rotation in a clockwise rotation. However, Long fails to teach a nozzle system ejector that generates a water jet that is slightly tilted relative to a circumferential direction of a counterclockwise rotation. In view of the teaching of Long, it would have been obvious to one with ordinary skill in the art at the time of the present invention to change the circumferential direction of rotation of Long from clockwise to counterclockwise so as to change that rotation in a given plane for a dispensing cleaning liquid of a nozzle system within a circumferential tubular casing. It would have been an obvious matter of design choice to provide for a direction of rotation for the misting nozzle system to be in a counterclockwise direction, since Applicant has not disclosed that having the direction of rotation in the counterclockwise direction solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the direction of rotation in the clockwise direction as Long (US 4,903,364) teaches.

Furthermore in regard to Claims 4 and 6-9, Long as taught above teaches a casing tube casing tube (12) that extends rearward at least as far as an ejector (44) but is silent as to the ratio of the length of the casing tube and diameter and additionally fails to overtly teach where the length of the casing tube (12) is at least twice its diameter (Figure 1). It would have been an obvious matter of design choice to make the length of the casing tube in a ratio that is set to be twice the diameter of the casing tube, since Applicant has not clearly disclosed in the Specification that making the length of the casing tube in a ratio that is set to be twice the diameter of the casing tube solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the length of the casing tube ratio to be less than twice the diameter of the casing tube.

Conclusion

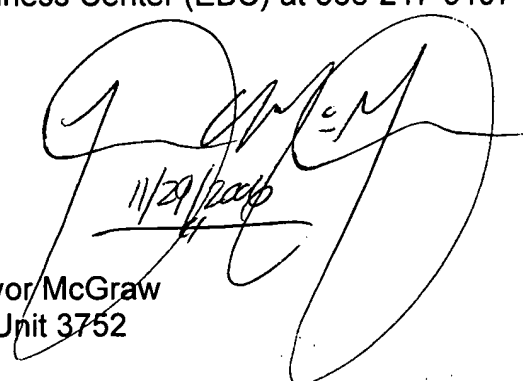
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vastveit (US 5,462,232), King (US 6,588,679), Burchett et al. (3,593,730).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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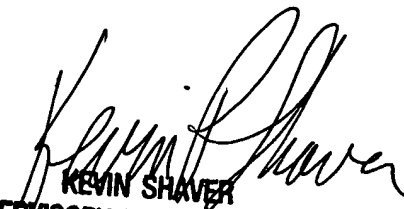
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/29/2016

Trevor McGraw
Art Unit 3752

TEM



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